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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/07/2010

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EXAMINER

OMGBA, ESSAMA

ART UNIT

PAPER NUMBER

3726

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DELIVERY MODE

06/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,747	Applicant(s) ALLIOT ET AL.	
	Examiner Essama Omgba	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) 9-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-6, 8 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maine (US Patent 6,226,855) in view of Chlebowski (US Patent 4,357,745).

With regards to claim 1, Maine discloses a method of joining plastic-lined conduits comprising the steps of providing first and second conduits (16, 16A), each conduit comprising a wall of metal defining a bore having an open end for connection and being substantially lined by a plastic liner 18, 18A (col. 1, lines 55-59), the liner ending within the bore to leave a short unlined section at the open end of the conduit (fig. 2), arranging the first and second conduits with their ends abutting and welding the ends together to form a longer conduit (col. 3, lines 9-10), providing a tubular bridging member 2 of corrosion resistant member dimensioned to fit inside the conduits (col. 2, lines 16-20), the bridging member having first and second sealing portions (4, 6) towards ends thereof, the sealing portions being interconnected by an intermediate portion 8, the length of the intermediate portion being sufficient to bridge the unlined portions of the abutting first and second conduits while the first and second sealing portions overlap the liners within the first and second conduits respectively (fig. 2), with the first sealing portion of the bridging member located within the first conduit and overlapping the liner, expanding the first sealing portion radially so as to press the first sealing portion against

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the liner to form a first seal between the liner and the bridging member (col. 2, lines 53-66), and with the second sealing portion of the bridging member located within the second conduit and overlapping the liner of the second conduit, expanding the second sealing portion radially so as to press the second sealing portion against the liner to form a second seal between the liner and the bridging member (col. 3, lines 3-8), whereby the liners, the first and second sealing portions and the bridging members form a continuous barrier between the interior bore of the lined conduits and the metal of the conduit walls (col. 3, lines 24-28). Maine does not disclose the dimensions of the bridging member and the sequence of the method steps to be such as to insure that there is a space between the material of the bridging member and the inside of the abutting ends of the conduits during at least an initial pass of the welding step. However Chlebowski teaches a bridging member 15 interconnecting two lined pipes (10, 17) wherein the dimensions of the bridging member and the sequence of the method steps are such as to insure that there is a space 23 between the material of the bridging member and the inside of the abutting ends of the conduits during at least an initial pass of the welding step, see column 3, lines 4-30 and figure 6. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have modified the intermediate portion the bridging member of Maine with the intermediate portion taught by Chlebowski, in order to avoid the bridging member or the liners being damaged by heat generated during the welding process. Applicant should note that an axially extending gap is left between the liners of the pipes of Chlebowski after weld, as shown in figure 6 which depicts the arrangement prior to the welding step. Also the

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recitation of the “plastic-lined conduit for use in offshore oil and gas operations capable of withstanding corrosion and elevated pressures” is an intended use recitation, and as such lends no patentable weight to the method being claimed. Further the plastic-lined conduit of Maine could be used in such offshore oil and gas operations.

Regarding claims 2, 3, 5, 6 and 8, Applicant should note that the sequence of the steps is an obvious matter of design choice.

Regarding claim 4, see figure 2 of Maine.

Regarding claims 38 and 39, Applicant should note that the bridging member disclosed by Maine is a unitary piece made of corrosion-resistant metal.

Regarding claim 40, Applicant should note that there are no apertures through the wall of metal overlaying the unlined sections of the first and second conduits of Maine.

Regarding claim 41, see the bridging member of Chlebowski.

Regarding claim 42, see figure 3 of Maine.

Allowable Subject Matter

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed March 3, 2010 have been fully considered but they are not persuasive.

In response to Applicant's argument that Chlebowski does not make any mention of the end use of the lined pipe produced by the method of Chlebowski, the examiner submits that the intended use of the lined pipe lends no patentable weight to the method being claimed. One of the problems that Applicant was concerned with was to shield the bridging member from the weld heat, which is also the problem solved by Chlebowski. Therefore even assuming that Chlebowski's end product is not used in the same environment as Applicant's end product, it would still be obvious and proper to combine the teachings of Maine with those of Chlebowski to arrive at Applicant's invention, since it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Further, in an obviousness analysis, it is not necessary to find precise teachings in the prior art directed to the specific subject matter claimed because inferences and creative steps that a person of ordinary skill in the art would employ can be taken into account. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

If a technique has been used to improve one process, and a person of ordinary skill in the art would recognize that it would improve similar processes in the same way,

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using the technique is obvious unless its actual application is beyond his or her skill.

See Id. at 417.

In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. *See In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner is not suggesting to use the end product of the method of Chlebowski in the same environment as the end product of Applicant's invention, rather Chlebowski is used to show that it is known to provide a gap at a weld point between conduits to be welded and an underlying bridging member in order to shield the bridging member against the weld heat. Whether or not the product of Chlebowski includes apertures through which resin is subsequently injected after the welding process is inconsequential to the method being claimed.

5. The affidavit filed on March 3, 2010 under 37 CFR 1.131 has been considered but is ineffective to overcome the applied Maine and Chlebowski references for the reason stated above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Essama Omgba/
Primary Examiner, Art Unit 3726

eo
June 6, 2010